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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 TODD MICHAEL SCHULTZ,

11 Plaintiff,

12 v.

13 MICHAEL CHRISTOPHER
14 THOMPSON,

15 Defendant.

No. 2:23-cv-03452-JAK (MRWx)

**ORDER RE REQUEST FOR A
TEMPORARY RESTRAINING
ORDER (DKT. 1)**

1 Based on a review of the Request for a Temporary Restraining Order (the
2 “Request” (Dkt. 1)), as well as the Complaint (Dkt. 4), which is not a model of clarity,
3 insufficient good cause has been shown for the requested relief. Therefore, the Request is
4 **DENIED**, for the following reasons.

5 *First*, Plaintiff has not provided “specific facts in an affidavit or a verified
6 complaint [that] clearly show that immediate and irreparable injury, loss, or damage will
7 result to [him] before [Defendant] can be heard in opposition” Fed. R. Civ. P.
8 65(b)(1)(A).

9 *Second*, Plaintiff has not shown a likelihood of success on any of the claims
10 presented. 18 U.S.C. §§ 226, 875 are criminal statutes and cannot be enforced through a
11 civil cause of action. The claim under 47 U.S.C. § 223 is not supported by any factual
12 allegations or evidence as to whether any messages from Defendant to Plaintiff were sent
13 through a qualifying telecommunications device, whether those messages were repeated
14 or continuous, whether the identity of the caller was disclosed or how the identity of the
15 caller was ascertained, or the contents of those messages, including whether they were
16 obscene, pornographic or harrassing. As to the claim for defamation, the Complaint does
17 not allege any specific defamatory statements, nor does it present factual allegations
18 supporting an inference that any such statements would give rise to a claim of
19 defamation under the governing standards. As to the claim for intentional infliction of
20 emotional distress, the Complaint contains insufficient factual allegations as to any
21 conduct that would provide a legally sufficient basis for that cause of action.

22 *Third*, a request for a prior restraint on speech by a person requires the application
23 of heightened standards and other issues under the First Amendment. Plaintiff has not
24 provided any basis for a claim that any irreparable harm to him during the period that the
25 requested restraining order would be in place, would outweigh any harm to Defendant
26 for restrictions on his speech.

1 *Finally*, based on the foregoing, and in light of the present record, the public
2 interest weighs against a temporary restraining order.

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6 **IT IS SO ORDERED.**

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8 Dated: May 8, 2023

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John A. Kronstadt
United States District Judge